THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

Writ Petition No.1251 of 2007

Date:01.02.2007

Between

Patnala Nageswara Rao and others.

----------Petitioner

And

Sri Varaha Laxmi Narasimha Swamy Devastanam, Simhachalam and others.

----------Respondents

ORDER:

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The petitioners claim to be purchasers of land belonging to Sri Varaha Laxmi Narasimha Swamy Devastanam, Simhachalam, Visakhapatnam, the first respondent herein. They seek a writ of Mandamus, to declare the action of the respondents in not paving the way for registration of the lands under their occupation, situated in Survey No.141/1B of Vepagunta Village and Panchayat, Pendurthi Mandal, Visakhapatnam District, pursuant to G.O.Rt.No.384, Revenue (Endowment-IV) Department, dated 28.02.2004, the scheme framed by the first respondent, and the notice issued by it on 20.12.2004, as illegal and arbitrary. Consequential direction is also sought, particularly against the first respondent, to issue land regularisation certificate to the petitioners,

forthwith, and to the second respondent, to register the documents.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Even from the record made available to this Court by the petitioners, it is evident that way back in December 2004, the first respondent addressed letters, requiring the petitioners to deposit the amount at the rate of Rs.660/- per square yard, as per G.O.Rt.No.384, with a view to enable it to conduct enquiry into the genuinity of their claim and for consequential issuance of land regularisation certificate. It is not in dispute that till today, the petitioners did not deposit any amount. For initiation of any action by the respondents to regularise the lands held by the petitioner, the first and foremost step to be taken by the petitioners is to deposit the amount at the rate of Rs.660/- per square yard. Further, the deposit of such amount, by itself, is not to result either in issuance of land regularisation certificate or execution of sale deeds. An enquiry is contemplated into the genuineness of the claims.

When the petitioners have not even chosen to deposit the amount, the question of the respondents undertaking any further steps does not arise.

Therefore, the Writ Petition is dismissed, as being without merits. There shall be no order as to costs.

01.02.2007

JSU